

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CIVIL JUDGMENT

**CAR-FRESHNER CORPORATION. and
JULIUS SAMANN, LTD.,**

Plaintiffs,

vs.

CASE NUMBER: 7:09-cv-1252 (GTS/DEP)

**GETTY IMAGES, INC. and
GETTY IMAGES (US), INC.,**

Defendants.

Pursuant to Plaintiffs' letter of acceptance of Defendants' Offer of Judgment dated June 20, 2012 (Dkt. No. 68), this Judgment is entered in favor of Plaintiffs as against Defendants as follows:

1. Defendants shall pay to Plaintiffs the amount of One Hundred Thousand Dollars (\$100,000.00), including costs accrued prior to the date hereof;
2. Defendants shall cease offering to license for commercial, non-editorial purposes any images or products depicting (a) intellectual property related to the Little Trees air fresheners (the "IP"), owned by Julius Samann Ltd. ("JSL") or (b) products manufactured and distributed by Car-Freshner Corporation ("CFC") that incorporate the IP (the "Products");
3. Defendants shall instruct their submitting photographers and filmmakers, content providers and those members of their staff responsible for approving content submissions that JSL is the owner of the IP, and that images and products containing the IP shall not be licensed for commercial use; and Defendants shall conduct quarterly reviews of their content to ensure compliance with the terms of this Judgment;
4. In the event that Defendants violate the terms of this Judgment, Defendants shall pay to Plaintiffs Ten Thousand Dollars (\$10,000.00) in liquidated damages per violation of the terms of this Judgment, in addition to reasonable attorneys' fees and costs associated with any action required to enforce this Judgment, provided that it shall not be grounds for any payment of damages, fees or costs if Defendants correct the violation and remove an image causing such violation from all websites under their control within 5 business days after Defendants' legal department receives effective notice (i.e., notice that includes an asset number and/or link to

the relevant image on Defendants' websites) from JSL or CFC (or within 90 days, in any case involving use by a third-party distributor outside of the United States) that display or license of such image violates the terms of this Judgment;

5. Defendants shall remit to Plaintiffs 100% of all revenue accruing to Defendants from the license of any images incorporating the IP for commercial usage after the date of this Judgment.
6. The parties shall grant each other a full and mutual release.
7. Through their Offer of Judgment, Defendants have not made any admission that they are liable in this action, or that Plaintiffs have suffered any damage.

IT IS ORDERED AND ADJUDGED.

DATED: June 28, 2012



Lawrence H. Baum
Clerk of Court

s/ L. Welch
Deputy Clerk
